

REMARKS

Claims 1, 4, 5, and 23-87 are pending. By this Amendment, claims 36, 41, 43, 57, and 70-86 are amended.

Claims 36, 41, 43, and 57 are amended for clarity and claims 70-86 (now claims 71-87) are renumbered. No new matter is introduced by the amendments.

In view of the following comments, Applicants respectfully request favorable consideration and prompt allowance of claims 1, 4, 5, and 23-87.

Claim Objections

The claims were objected to for not being numbered in accordance with 37 CFR § 1.126. Applicants thank the Examiner for a close reading of the claim numbering and have made appropriate corrections to claims 70-86 (now claims 71-87). Applicants respectfully request withdrawal of the objection.

Rejection Under 35 U.S.C. § 103 Over Mukherjee and Jenkins

Claims 1, 4, 5, and 23-87 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,314,415 to Mukherjee ("Mukherjee") and U.S. Patent No. 6,597,392 to Jenkins et al. ("Jenkins"). For the reasons discussed below, the claims are not prima facie obvious over Mukherjee and Jenkins. Accordingly, Applicants respectfully request reconsideration of the rejection.

A prima facie case of obviousness of Applicants' claimed invention has not been established, as the cited references do not teach, suggest, or motivate all of the features included in claim 2. Prima facie obviousness is not established if all the elements of the rejected claim are not disclosed or suggested in the cited art. In re Ochiai, 37 USPQ 1127, 1131 (Fed. Cir. 1995). ("The test for obviousness vel non is statutory. It requires that one compare the claim's 'subject

matter as a whole' with the prior art 'to which said subject matter pertains.'"). See also, MPEP § 2143.03 "All Claim Limitations Must Be Taught or Suggested," citing In re Royka, 180 USPQ 580 (CCPA 1974). "To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art." MPEP 2143.03.

The cited references, individually or in combination, do not teach all of the features of independent claims 1, 32, 36, 41, 53, 57, and 70. Specifically, with respect to independent claims 1, 41, and 70, the references fail to teach or suggest generating a user interface based on camera data. Rather, the teaching of Mukherjee is limited to farming textual data fields from exiting forms and creating a user interface based on the fields. Jenkins is merely directed towards a computer connected to a camera for capturing images and including those images in a static, pre-generated user interface. The user interface remains the same despite any images received from the camera.

Likewise, with respect to independent claims 32 and 53, the references fail to teach or suggest generating a user interface based on medical information. Importantly, it is acknowledged that Mukherjee does not teach generating a user interface based on medical information and Jenkins is looked to for importation of the feature. However, Jenkins includes no teaching or suggestion of generating a user interface using from medical information. Rather, as discussed above, Jenkins teaches a computer connected to a camera for capturing images and including those images in a pre-generated user interface, which remains the same despite anything received from the camera.

With respect to independent claims 36 and 57, the references fail to teach or suggest defining a presentation (claim 36) or sequence of presentation (claim 57) for displaying data elements, the presentation or sequence of presentation defined as being based on medical information (claim 36) or a medical image (claim 57). Rather, the Jenkins interface, including an image window, is fixed and not dynamically modified based any medical information or medical

image. See, e.g., Jenkins, col. 5, lines 24-26 ("The image window is initially blank until an image is captured"). Again, the interface remains the same despite anything received from the camera.

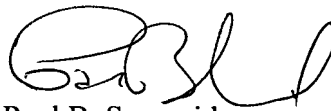
Thus, a prima facie of obviousness has not been established. Applicants do not comment further here on the suitability of combining or modifying the cited references. Applicants respectfully request withdrawal of the rejection of claims 1, 4, 5, and 23-87 as being obvious over Mukherjee and Jenkins.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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